

SENATE NON-CIVIL JUDICIARY COMMITTEE RULES

2013-2014

1. Quorum of the Committee shall be six (5) members. Every member, including ex-officio members, shall count as a voting member for purposes of establishing a quorum at any given meeting.
2. The Chairman shall determine which bills, resolutions, substitutes, or amendments are to be considered and the order in which said measures are considered; the Chairman shall have the authority and discretion to call a bill, resolution, substitute or amendment for debate and explanation only or to limit consideration of such measures.
3. The Chairman shall have the authority to refer bills and resolutions to subcommittee for study. Such subcommittees in turn shall have the authority to make recommendation on such measures to the full Committee at such times as shall be designated by the Chairman. All actions of the subcommittees shall be approved or disapproved by the standing committee.
4. The Chairman shall have the authority to schedule, manage, and regulate the debate on bills, resolutions, substitutes, and amendments, and may in his discretion recognize motions related to such measures and the order in which they are recognized.
5. When a bill or resolution is before the committee for consideration, the following shall be the precedence of the motions:
 1. motion that a bill do pass;
 2. motion that a bill do not pass;
 3. motion to postpone;
 4. motion to refer a bill to a subcommittee.
6. All motions shall receive a Second before consideration.
7. The Committee shall convene, recess and adjourn upon the order of the Chairman.

8. A bill or resolution will be considered only after presentation by its principal author or other legislator whom he/she may designate unless otherwise directed by the Chairman. The principal author shall be the legislator whose name appears first on the list of authors. The Committee shall not vote on any bill until the author or his or her designee has been given the opportunity to appear and be heard.
9. The Chairman reserves the right to delay or decline action on substitutes and amendments not provided to the Chairman in writing at least 24 hours prior to the hearing in which they are presented.
10. The Chairman shall not vote unless the committee shall be equally divided or unless his or her vote if given in the minority will make the division equal. In case the vote is equally divided, the Chairman must vote.
11. Any Member or Members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report if they so desire.
12. These rules may be amended upon a motion duly made and subsequently approved by two-thirds of the members of the Committee.
13. Where these rules are silent on a specific issue, the Rules of the Senate as adopted shall govern. If the Rules of the Senate are silent on a specific issue, Mason's Manual of Legislative Procedure shall govern.

MINUTES OF THE SENATE JUDICIARY NON-CIVIL COMMITTEE

Wednesday, January 22, 2014 in 307 CLOB

The Senate Judiciary Non-Civil Committee held its first meeting of the 2014 Session on Wednesday, January 22, 2014, in room 307 CLOB. Chairman Jesse Stone called the meeting to order at 3:05 p.m. Members present at the meeting were as follows:

Senator Jesse Stone, 23 rd , Chairman	Senator William Ligon, 3 rd , Vice Chairman
Senator John Crosby, 13 th	Senator Curt Thompson, 5 th , Secretary
Senator Charlie Bethel, 54 th	Senator Hunter Hill, 6 th
Senator Joshua McKoon, 29 th	Senator Vincent Fort, 39 th arrived 3:15 p.m.

NOTE: Senator Ronald Ramsey, 43rd, was absent from the meeting.

Chairman Stone called the meeting to order.

House Bill 60 (Sub) (Rep. Holt of the 112th) Carrying and possession of firearms, so as to provide an exemption from certain laws regarding the carrying and possession of firearms by retired judges

Synopsis: This bill expands the exemption from several weapons carry laws to exempt all state, local, and federal judges, whether full-time, part-time, or retired. The current law only exempts state and federal trial and appellate judges who currently serve or are retired under state retirement.

Presented by: Rep. Holt of the 112th

Discussion: A retired juvenile court judge brought this issue to Representative Holt's attention. The original intent was not to exclude certain judges because of their retirement plan or retirement status. Concerns were raised that a bill substitute too greatly expanded the group of judges who would be exempt from several weapons carry laws. Specifically, by expanding it from "retired" judges to those "no longer serving" some members of the committee worried about including people who might be temporarily appointed for a couple of days to fill a vacancy during a candidate search.

Chairman Stone appointed a subcommittee to work with Rep. Holt, 112th on language that would address the concerns of the committee. He appointed Senators Bethel, 54th, Hill, 6th, and Ligon, 3rd, to the subcommittee.

There being no further business, Chairman Stone adjourned the meeting at 3:21 p.m.

Respectfully submitted,

/s/Senator Curt Thompson, 5th, Secretary

/s/Phyllis Walker, Recording Secretary

MINUTES OF THE SENATE JUDICIARY NON-CIVIL COMMITTEE

Wednesday, February 5, 2014 in 307 CLOB

Chairman Jesse Stone called the meeting to order at 3:10, announcing that a quorum was present. Members present at the meeting were as follows:

Senator Jesse Stone, 23rd, Chairman

Senator William Ligon, 3rd, Vice Chairman, arrived at 3:11 pm

Senator Curt Thompson, 5th, Secretary, arrived at 3:12 pm

Senator John Crosby, 13th

Senator Charlie Bethel, 54th,

Senator Vincent Fort, 39th

Senator Hunter Hill, 6th

Senator Joshua McKoon, 29th, Ex-Officio

Senate Bill 280 (Sen. Fort of the 39th) Justification and excuse, so as to repeal the statute relating to no duty to retreat prior to the use of force and to correct a cross-reference; to provide for related matters

Synopsis: This bill repeals O.C.G.A. § 16-3-23.1, which provides that (a) there is no duty to retreat prior to the use or threat of force and (b) a person is permitted to stand his or her ground and use force, including deadly force, when acting as permitted by statute in self-defense, the defense of others, the defense of a habitation, or the defense of property other than a habitation. By repealing this statute, a person who uses threats or force will no longer be immune from criminal prosecution if such person does not retreat prior to the use of threats or force or if such person stands his or her ground while using threats or force.

Presented by: Sen. Fort of the 39th

Discussion: Senator Fort argued that Stand Your Ground laws make us less safe, and quoted from a 2012 study from Georgia State and a 2013 study from the Urban Institute (each documenting an increase in homicides in Stand Your Ground states) to back up his point. Senator Fort answered a question about needing to define “retreat” if the Stand Your Ground Law was repealed by pointing out that the common law of traditional self-defense in one’s home (otherwise known as the castle doctrine) would still apply and he did not otherwise see a need to define retreat. There were questions about whether there were any Georgia specific studies, and Senator Fort answered that there were. A member of the Rainbow/Push Coalition got up to speak in favor of the bill. The Committee requested the Georgia specific studies be made available. No motions were made on the bill.

Upon the expiration of the committee's allotted time in 307 CLOB, and with another Committee meeting scheduled for the room at 4:00 pm, Chairman Stone adjourned the meeting at 4:00 p.m.

Respectfully submitted,

/s/Senator Curt Thompson, 5th, Secretary

/s/Phyllis Walker, Recording Secretary

MINUTES OF THE SENATE JUDICIARY NON-CIVIL COMMITTEE

Wednesday, February 19, 2014 in 307 CLOB

Chairman Jesse Stone called the meeting to order at 3:05 pm, announcing that a quorum was present. Members present at the meeting were as follows:

Senator Jesse Stone, 23rd, Chairman
Senator William Ligon, 3rd, Vice Chairman
Senator Curt Thompson, 5th, Secretary, left at 3:44 pm
Senator John Crosby, 13th, left at 3:30 pm
Senator Charlie Bethel, 54th
Senator Vincent Fort, 39th
Senator Hunter Hill, 6th, arrived at 3:30 pm
Senator Joshua McKoon, 29th, Ex-Officio, left at 3:44 pm

Senate Bill 365 (Sen. Stone of the 23rd) Fair Business Practices Act, delinquency proceedings in juvenile court, suspension of driver's license for certain drug offenses, the Board and Department of Corrections, and general tort provisions, respectively, so as to enact offender reentry reforms as recommended by the Georgia Council on Criminal Justice Reform

Presented by: Sen. Stone of the 23rd

Discussion: A ***motion "do pass"*** was made by Senator Joshua McKoon, seconded by Senator Charlie Bethel; ***motion passed unanimously.***

Senate Bill 364 (Sen. Stone of the 23rd) Juvenile Code and schedules, offenses, and penalties, respectively, so as to revise and correct errors or omissions in furtherance of the work of the Georgia Council on Criminal Justice Reform to recommend legislation; to amend Code Section 19-7-1 of the O.C.G.A., relating to in whom parental power lies and how such power may be lost, so as to correct a cross-reference; to provide for related matters

Synopsis: This bill revises and corrects errors or omissions in furtherance of the work of the Georgia Council on Criminal Justice Reform to recommend legislation. The bill also amends Code Section 19-7-1 of the O.C.G.A., relating to in whom parental power lies and how such power may be lost, so as to correct a cross-reference.

Presented by: Sen. Stone of the 23rd

Discussion: A ***motion "do pass"*** was made by Senator William Ligon, seconded by Senator John Crosby; ***motion passed unanimously.***

Senate Bill 324 (Sen. Stone of the 23rd) Definitions for employing and training of peace officers, definitions for the Georgia State Indemnification Fund, definitions for the Temporary Disability Compensation Program, and commitment of delinquent children, respectively, so as to harmonize definitions relating to peace officers employed or appointed by the Department of Juvenile Justice regarding their duties; to provide for related matters

Synopsis: This bill revises the definitions of “peace officer” and “law enforcement officer” to include persons who are charged with the supervision of delinquent children under intensive supervision in the community. These definitions are changed in Code provisions pertaining to employment and training of peace officers, eligibility for the Georgia State Indemnification Fund, eligibility for the Temporary Disability Compensation Program, and power of arrest or commitment of delinquent children.

Presented by: Sen. Stone of the 23rd

Discussion: A ***motion “do pass”*** was made by Senator Charlie Bethel, seconded by Senator Joshua McKoon; ***motion passed unanimously.***

Senate Bill 320 (Sen. Harbison of the 15th) General court provisions, so as to create veterans court divisions; to amend Code Section 35-3-37 of the O.C.G.A., relating to review of an individual's criminal history record information, definitions, privacy considerations, written application requesting review, and inspection, so as to restrict access to records of individuals who successfully complete a veterans court program; to amend Article 3A of Chapter 5 of Title 40 of the O.C.G.A., relating to suspension of license for certain drug offenses; to provide for related matters

Synopsis: This bill creates veteran's court divisions and restricts access to records of individuals who successfully complete a veteran's court program.

Presented by: Sen. Harbison of the 15th

Discussion: A ***motion “do pass” by substitute*** was made by Senator William Ligon, seconded by Senator Curt Thompson; ***motion passed unanimously.***

Senate Bill 355 (Hearing Only) (Sen. Cowser of the 46th) Criminal procedure, so as to require a procedure for enhancing witness identification accuracy; to provide for definitions; to provide for written policies relating to witness identification protocol; to provide for the consequences of failing to comply with witness procedures; to amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, so as to provide for training in enhancing witness identification accuracy; to provide for related matters

Synopsis: This bill requires a procedure for enhancing witness identification accuracy, and provides for definitions and written policies relating to witness identification protocol (including consequences of failing to comply with witness procedures). The bill also provides for training in enhancing witness identification accuracy.

Presented by: Amy Maxwell, of the Georgia Innocence Project, and exoneree John White. They spoke in favor of the bill and explained how it improves the accuracy of witness identification of a criminal subject, and the consequences of getting it wrong.

Discussion: This was a hearing only. No motions were made on the bill.

There being no further business, Chairman Stone adjourned the meeting at 4:26 p.m.

Respectfully submitted,

/s/Senator Curt Thompson, 5th, Secretary

/s/Phyllis Walker, Recording Secretary

MINUTES OF THE SENATE JUDICIARY NON-CIVIL COMMITTEE

Monday, February 24, 2014 in the Senate Mezzanine

Chairman Jesse Stone called the meeting to order at 2:06 pm, announcing that a quorum was present. Members present at the meeting were as follows:

Senator Jesse Stone, 23rd, Chairman
Senator William Ligon, 3rd, Vice Chairman, arrived at 2:17 pm
Senator Curt Thompson, 5th, Secretary
Senator John Crosby, 13th
Senator Charlie Bethel, 54th
Senator Vincent Fort, 39th, arrived at 2:17 pm
Senator Ronald Ramsey, 43rd
Senator Hunter Hill, 6th
Senator Joshua McKoon, 29th, Ex-Officio

Senate Bill 404 (Senator Heath of the 31st) Issuance, expiration, and renewal of licenses to operate a motor vehicle, so as to remove evidence of approved deferred action status from the list of available documents for use in the issuance of a temporary driver's license or permit; to provide for related matters

Synopsis: This bill removes evidence of approved deferred action status from the list of available documents for use in the issuance of a temporary driver's license or permit.

Presented by: Senator Heath of the 31st

Discussion: A ***motion “do pass”*** was made by Senator Joshua McKoon, seconded by Senator Charlie Bethel; ***motion passed 5-1 (Yea votes: Crosby, Bethel, Ramsey, Hill, McKoon; No vote: Thompson)***

Senate Resolution 6 (Senator McKoon of the 29th) provide for state-wide grand juries; to provide for related matters

Synopsis: This resolution proposes submission of an Amendment to the Constitution so as to provide for state-wide grand juries and their jurisdiction, powers, and duties. The amendment would also authorize the General Assembly to provide by law for procedures for the summoning and empaneling of state-wide grand juries. Further, it provides that the Attorney General or his or her designee shall act as the legal adviser and prosecutor for such state-wide grand juries.

Presented by: Senator McKoon of the 29th

Discussion: A ***motion “do pass” by substitute*** was made by Senator Charlie Bethel, seconded by Senator Joshua McKoon; ***motion failed 2-6 (Yea votes: Bethel, McKoon; No votes: Ligon, Crosby, Thompson, Ramsey, Fort, Hill)***

Senate Bill 382 (Senator Mullis of the 53rd) Provide for the crime of retail theft

Synopsis: This bill creates the crime of retail theft by making it illegal in Georgia to give a false or fictitious name or address for the purpose of obtaining a refund for merchandise, give the name of another person without that person’s permission for the purpose of obtaining a refund for merchandise, and obtain or attempt to obtain refunds by using a driver’s license or ID card not issued to such person or containing false information. This bill also establishes penalties for these offenses, including escalating penalties for multiple or subsequent offenses and for thefts of increasing value.

Presented by: Senator Mullis of the 53rd

Discussion: A ***motion “do pass” by substitute*** was made by Senator Charlie Bethel, seconded by Senator Ronald Ramsey; ***motion passed unanimously.***

Senate Bill 383 (Senator Davis of the 22nd) Duties of coroner or county medical examiner upon receipt of notice of suspicious or unusual death, authority to embalm body, identification, inventory and disposition of deceased's property, use of deceased's property for evidence, and autopsy when death occurs on state owned property

Synopsis: This bill provides that items of value of a deceased person of which a coroner or medical examiner takes possession shall not be converted to the coroner or medical examiner's personal use.

Presented by: Senator Davis of the 22nd

Discussion: A ***motion “do pass”*** was made by Senator Charlie Bethel, seconded by Senator John Crosby; ***motion passed unanimously.***

Senate Bill 411 (Senator Stone of the 23rd) Bonds and recognizances, so as to reduce the cash escrow account or other form of collateral required for professional bonding companies that have continuously operated for more than 12 months

Synopsis: This bill reduces the cash escrow account or other form of collateral required for professional bonding companies that have continuously operated for more than 12 months, increases fees for sureties, and provides for related matters.

Presented by: Senator Stone of the 23rd

Discussion: A ***motion “do pass” by substitute*** was made by Senator Curt Thompson, seconded by Senator Vincent Fort; ***motion failed 2-6 (Yea votes: Fort, Thompson; Nay votes: Crosby, Hill, Bethel, Ramsey, Ligon, McKoon)***

There being no further business, Chairman Stone adjourned the meeting at 3:03 p.m.

Respectfully submitted,

/s/Senator Curt Thompson, 5th, Secretary

/s/Phyllis Walker, Recording Secretary

MINUTES OF THE SENATE JUDICIARY NON-CIVIL COMMITTEE

Wednesday, March 5, 2014 in 307 CLOB

Chairman Jesse Stone called the meeting to order at 3:17pm. Members present at the meeting were as follows:

Senator Jesse Stone, 23rd, Chairman

Senator John Crosby, 13th

Senator Charlie Bethel, 54th

Senator Vincent Fort, 39th

Senator Hunter Hill, 6th

Senator Joshua McKoon, 29th, Ex-Officio, arrived at 3:46 pm

Senator Mike Dugan, 30th, Ex-Officio, arrived at 3:46 pm

House Bill 863 (Rep. Golick of the 40th) General provisions relative to offenses against public health and morals, so as to change provisions relating to cruelty to animals and aggravated cruelty to animals

Synopsis: This bill changes provisions relating to cruelty to animals and aggravated cruelty to animals and clarifies provisions relating to justification. The bill defines “adequate care,” “animal,” and “malice” with regard to cruelty to animals, and raises the punishment for a subsequent conviction of aggravated cruelty to animals to a felony punishable by one to ten years imprisonment and/or a fine not to exceed \$100,000.00.

Presented by: Rep. Golick of the 40th

Discussion: Senator Bethel proposed an amendment to the committee substitute and subsequently made a **motion to “do pass” the amendment**; Senator Hill seconded; ***motion for amendment passed unanimously***. A ***motion “do pass” by substitute*** was made by Senator Hunter Hill, and seconded by Senator Charlie Bethel. ***Motion “do pass” by substitute passed unanimously***.

House Bill 60 (Rep. Holt of the 112th) Carrying and possession of firearms, so as to provide an exemption from certain laws regarding the carrying and possession of firearms by retired judges

Synopsis: This bill provides an exemption from certain laws regarding the carrying and possession of firearms by retired judges.

Presented by: Rep. Holt of the 112th

Discussion: A ***motion “do pass” by substitute*** was made by Senator Charlie Bethel, seconded by Senator John Crosby; ***motion passed 4-2 (Yea votes: Fort, Dugan, Bethel, and Crosby; Nay votes: Hill and McKoon).***

House Bill 770 (Rep. Efstration of the 104th) Damage to and intrusion upon property, so as to create the crime of home invasion

Synopsis: This bill creates the crime of home invasion, provides for a definition, and penalties.

Presented by: Rep. Efstration of the 104th

Discussion: A ***motion “do pass” by substitute*** was made by Senator Joshua McKoon, seconded by Senator Hunter Hill; ***motion passed 5-1 (Yea votes: Crosby, Dugan, Bethel, Hill, and McKoon; Nay vote: Fort).***

House Bill 773 (Rep. Dickey of the 140th) Dangerous instrumentalities and practices, so as to change provisions relating to discharging a gun or pistol near a public highway or street

Synopsis: This bill changes provisions relating to discharging a gun or pistol near a public highway or street, as well as provides for definitions and exceptions.

Presented by: Rep. Dickey of the 140th

Discussion: A ***motion to table*** was made by Senator Charlie Bethel, seconded by Senator Mike Dugan; ***motion passed unanimously.***

House Bill 838 (Rep. Tanner of the 9th) Invasions of privacy, so as to prohibit the transmission of photography or video depicting nudity or sexually explicit conduct of an adult under certain circumstances

Synopsis: This bill prohibits the transmission of photography or video depicting nudity or sexually explicit conduct of an adult under certain circumstances, provides for definitions, penalties, venue, and exceptions.

Presented by: Rep. Tanner of the 9th

Discussion: A ***motion “do pass” by substitute*** was made by Senator Charlie Bethel, seconded by Senator Hunter Hill; ***motion passed unanimously.***

House Bill 911 (Rep. Ballinger of the 23rd) Assault and battery, so as to add provisions regarding strangulation as an aggravated assault; to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated

Synopsis: This bill adds provisions regarding strangulation as an aggravated assault, and fixes cross-references.

Presented by: Rep. Ballinger of the 23rd

Discussion: A ***motion “do pass”*** was made by Senator Charlie Bethel, seconded by Senator Hunter Hill; ***motion passed unanimously.***

House Bill 985 (Rep. Kirby of the 114th) Obstruction of public administration and related offenses, so as to change provisions relating to filing false liens or encumbrances against public employees

Synopsis: This bill changes provisions relating to filing false liens or encumbrances against public employees, expands the protection against the filing of false liens to all citizens, and provides for exceptions.

Presented by: Rep. Kirby of the 114th

Discussion: A ***motion “do pass”*** was made by Senator John Crosby, seconded by Senator Charlie Bethel; ***motion passed unanimously.***

There being no further business, Chairman Stone adjourned the meeting at 5:01 p.m.

Respectfully submitted,

/s/Senator Jesse Stone, 23rd, Chairman

/s/Phyllis Walker, Recording Secretary

MINUTES OF THE SENATE JUDICIARY NON-CIVIL COMMITTEE

Thursday, March 6, 2014 in 310 CLOB

Chairman Jesse Stone called the meeting to order at 3:38 pm, announcing that a quorum was present. Members present at the meeting were as follows:

Senator Jesse Stone, 23rd, Chairman
Senator William Ligon, 3rd, Vice Chairman, left at 4:20 pm
Senator Curt Thompson, 5th, Secretary
Senator John Crosby, 13th
Senator Charlie Bethel, 54th, arrived at 3:50 pm
Senator Vincent Fort, 39th
Senator Ronald Ramsey, 43rd
Senator Hunter Hill, 6th, arrived at 4:24 pm, left at 4:44 pm
Senator Joshua McKoon, 29th, Ex-Officio
Senator Chuck Hufstetler, 52nd, Ex-Officio, left at 4:09 pm

House Bill 720 (Rep. Lumsden of the 12th) Courts and the uniform traffic citation and complaint form, respectively, so as to provide for the collection of a fee to defray the costs associated with using electronic citations

Synopsis: This bill relates to courts and the uniform traffic citation and complaint form, so as to provide for the collection of a fee to defray the costs associated with using electronic citations.

Presented by: Rep. Lumsden of the 12th

Discussion: Senator Bethel made a **motion to amend** lines 91 and 105, changing each from “2019” to “2023”; Senator Ligon seconded the motion for the amendment; ***motion for amendment passed unanimously. Motion “do pass” by substitute*** was made by Senator Charlie Bethel, seconded by Senator John Crosby; ***motion “do pass” by substitute passed unanimously.***

House Bill 742 (Rep. Nix of the 69th) Provide for a seventh judge of the superior courts of the Coweta Judicial Circuit

Synopsis: This bill establishes one additional judgeship for both the Coweta Circuit and the Waycross Circuit. In both cases, the judges serving in positions created by this bill will serve initial terms expiring on December 31, 2016 and for four-year terms thereafter commencing on January 1, 2017. The bill also establishes the duties and the powers of the judges who will fill these positions.

Presented by: Rep. Nix of the 69th

Discussion: ***Motion “do pass”*** was made by Senator Joshua McKoon, seconded by Senator William Ligon; ***motion passed unanimously.***

House Bill 804 (Rep. Lindsey of the 54th) Repeal provisions relating to the testimony of a child ten years old or younger by closed circuit television and persons entitled to be present

Synopsis: This bill relates to conduct of trial proceedings, so as to repeal provisions relating to the testimony of a child ten years old or younger by closed circuit television and persons entitled to be present. The bill provides for the testimony of individuals less than 18 years of age outside the physical presence of an accused in criminal proceedings under certain circumstances.

Presented by: Rep. Pak of the 108th

Discussion: Advocates and opponents presented arguments pitting concerns for the welfare of the child against the fourth amendment right to face one’s accuser. The committee meeting ended before a vote was taken, and the decision was made to take the bill back up at a later meeting.

Upon the imminent loss of a quorum, Chairman Stone adjourned the meeting at 4:59 p.m.

Respectfully submitted,

/s/Senator Curt Thompson, 5th, Secretary

/s/Phyllis Walker, Recording Secretary

MINUTES OF THE SENATE JUDICIARY NON-CIVIL COMMITTEE

Monday, March 10, 2014 in the Senate Mezzanine

Chairman Jesse Stone called the meeting to order at 2:52 pm. Members present at the meeting were as follows:

Senator Jesse Stone, 23rd, Chairman, left at 3:00 pm
Senator William Ligon, 3rd, Vice Chairman, assumed Chair at 3:00 pm
Senator Curt Thompson, 5th, Secretary, left at 3:28 pm
Senator John Crosby, 13th
Senator Vincent Fort, 39th
Senator Hunter Hill, 6th, arrived at 2:58 pm, left at 3:26

Note: Senator Ramsey, 43rd and Senator Bethel, 54th were not present at the meeting.

House Bill 837 (Rep. Hamilton of the 24th) Provide for the supervision of misdemeanor and county and city ordinance offenders by county and municipal probation officers and private probation services providers

Synopsis: Relates to agreements for probation services. The bill amends the code section relating to probation services to apply to any court, rather than specifying applicability to county and municipal courts. The bill also provides that the termination of a contract for probation services should be initiated by the chief judge of the court which entered into the contract, subject to approval by the governing authority of the municipality or consolidated government which entered into the contract and in accordance with the agreed upon written provisions of the contract. The bill adds a new code section providing that a court utilizing probation services is to determine the terms and conditions of probation as the court deems appropriate, including, but not limited to, the terms and conditions of probation enumerated in the code. The bill also requires a probationer to keep his or her probation officer informed of his or her current residence as a condition of probation and whereabouts as may be required by the court. Finally, the bill authorizes probation officers to participate in and conduct pretrial diversion programs as directed by the prosecuting agency.

Presented by: Rep. Hamilton of the 24th

Discussion: Advocates and opponents of the bill spoke to the concept of a debtor's prison whereas people have their probation revoked upon failure to pay a private probation officer versus the economic and judicial efficiency of private probation services. The committee's allotted time expired before a vote could be taken, and the decision was made to take the bill back up at a later date.

Upon the end of the allotted time in the Senate Mezzanine, and with another Committee meeting scheduled, Vice Chairman Ligon adjourned the meeting at 3:31 p.m.

Respectfully submitted,

/s/Senator Curt Thompson, 5th, Secretary

/s/Phyllis Walker, Recording Secretary

MINUTES OF THE SENATE JUDICIARY NON-CIVIL COMMITTEE

Tuesday, March 11, 2014 in 307 CLOB

Chairman Jesse Stone called the meeting to order at 1:18 p.m, announcing that a quorum was present. Members present at the meeting were as follows:

Senator Jesse Stone, 23rd, Chairman
Senator William Ligon, Jr., 3rd, Vice Chairman
Senator Curt Thompson, 5th, Secretary
Senator John Crosby, 13th
Senator Charlie Bethel, 54th, arrived at 1:20 pm
Senator Vincent Fort, 39th
Senator Ronald Ramsey, Sr., 43rd
Senator Hunter Hill, 6th
Senator Joshua McKoon, 29th, Ex-Officio

House Bill 875 (Rep. Jasperse of the 11th) – Safe Carry Protection Act; enact

Synopsis: This bill, called the Safe Carry Protection Act, relates to unlawful practices in selling or renting dwellings and exceptions, justification and excuse, dangerous instrumentalities and practices, transportation passenger safety, and disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, respectively, so as to change provisions relating to carrying weapons and the issuance of weapons carry licenses. The bill also provides that persons who use threats, force, or deadly force in accordance with Code Section 16-3-21, 16-3-23, 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution under certain circumstances. The bill also changes provisions relating to carrying weapons in unauthorized locations such as churches, bars, and school safety zones. The bill removes fingerprinting requirements for renewal licenses, allows persons who have had their weapons carry licenses revoked to be eligible to be license holders under certain circumstances, and prohibits the creation or maintenance of data bases regarding persons issued weapons carry licenses. The bill provides that local boards of education may authorize personnel to carry weapons within school safety zones under certain circumstances, and provides for the offense of unlawfully carrying a weapon into a secure airport area. The bill further provides that defense of self or others is an absolute defense to any violation under Part 3 of Article 4 of Chapter 11 and Part 2 of Article 4 of Chapter 12 of Title 16.

Presented by: Rep. Powell of the 32nd

Discussion: The committee meeting was spent hearing from proponents and opponents of the bill, each side alternating three minutes to relate their personal stories and opinions relating to different aspects of the bill. Chairman Stone was called away at 2:04 pm and Vice Chairman Ligon assumed the Chair. Chairman Stone returned at 3:28 pm.

When everyone who had shown up at the meeting who wanted to speak had been given a chance to voice his or her opinion, the Chair announced there would be no vote that day. No motions were made on the bill. There being no further business, Chairman Stone adjourned the meeting at 4:33 p.m.

Respectfully submitted,

/s/Senator Curt Thompson, 5th, Secretary

/s/Phyllis Walker, Recording Secretary

MINUTES OF THE SENATE JUDICIARY NON-CIVIL COMMITTEE

Wednesday, March 12, 2014 in 307 CLOB

Acting Chairman Charlie Bethel called the meeting to order at 3:09 p.m, announcing that a quorum was present. Members present at the meeting were as follows:

Senator Jesse Stone, 23rd, Chairman, arrived at 5:10 pm
Senator Charlie Bethel, 54th, Acting Chairman until 5:10 pm
Senator William Ligon, Jr., 3rd, Vice Chairman, arrived at 6:25 pm
Senator Curt Thompson, 5th, Secretary, arrived at 3:26 pm
Senator Rick Jeffares, 17th, Ex-Officio
Senator Joshua McKoon, 29th, Ex-Officio
Senator John Crosby, 13th
Senator Vincent Fort, 39th
Senator Tyler Harper, 7th, Ex-Officio
Senator Ronald Ramsey, Sr., 43rd, arrived at 3:12 pm
Senator Hunter Hill, 6th, arrived at 3:19 pm

House Bill 773 (Rep. Dickey of the 140th) Crimes and offenses; discharging a gun or pistol near public highway or street; change provisions

Synopsis: This bill provides it is unlawful for any person (without legal justification) to discharge a firearm on, or within 50 yards of, a public highway. This bill also provides exceptions if the discharge occurs at an indoor or outdoor shooting range, facility for firearm or hunting safety courses, or business location of a licensed firearm dealer and such discharge is shielded from the view of a traveler on the adjacent public highway. This bill also provides an exception for persons engaged in legal hunting; however, such exception does not apply to legal hunting within an incorporated municipality. Further, this bill provides definitions for "firearm," "public highway," "sport shooting range," and "unit of government," as such terms are used in the provisions enacted by this bill.

Presented by: Rep. Dickey of the 140th

Discussion: A ***motion of "do pass" by substitute*** was made by Senator Charlie Bethel, seconded by Senator Joshua McKoon; ***the motion passed unanimously.***

House Bill 940 (Rep. Willard of the 51st) Chattahoochee Judicial Circuit and Oconee Judicial Circuit; election of additional judges; change date

Synopsis: New judgeships for the Chattahoochee and Oconee judicial circuits were created by two legislative acts during the 2013 session. This bill amends those acts to provide for the dates of election and terms of office for those judges. In both cases, the judges created by the 2013 acts will serve initial terms expiring on

December 31, 2016 and for four-year terms thereafter commencing on January 1, 2017.

Presented by: Rep. Willard of the 51st

Discussion: A ***motion of “do pass”*** was made by Senator Charlie Bethel, seconded by Senator Joshua McKoon; ***the motion passed unanimously.***

House Bill 749 (Rep. Duncan of the 26th) Crimes and offenses; crime of cargo theft; provide

Synopsis: A bill relating to theft, so as to provide for the crime of cargo theft, definitions, and penalties. The bill also provides for the crime of unlawful possession or use of a fifth wheel. Finally, the bill relates to powers and duties of the Georgia Bureau of Investigation generally, so as to provide the GBI with jurisdiction with regard to cargo theft.

Presented by: Rep. Duncan of the 26th

Discussion: A ***motion of “do pass”*** was made by Senator Joshua McKoon, seconded by Senator John Crosby; ***motion passed unanimously.***

House Bill 804 (Rep. Lindsey of the 54th) Trial proceedings; testimony of a child ten years old or younger by closed circuit television and persons entitled to be present; repeal provisions

Synopsis: This bill relates to conduct of trial proceedings, so as to repeal provisions relating to the testimony of a child ten years old or younger by closed circuit television and persons entitled to be present. The bill also provides for the testimony of individuals under 18 years of age outside the physical presence of an accused in criminal proceedings under certain circumstances.

Presented by: Rep. Lindsey of the 54th

Discussion: A ***motion of “do pass” by substitute*** was made by Senator Hill, seconded by Senator John Crosby; Senator Hill proposed an amendment on Line 14 to change the age from 18 to 14, seconded by Senator Crosby; Senator Hill withdrew his amendment; Senator Fort proposed an amendment on Line 14 to change the age to 16, seconded by Senator Hill; ***motion on amendment passed unanimously;*** Senator Thompson motioned for an amendment to delete Lines 20-21 and replace with “parent, legal guardian, custodian of child”, seconded by Senator Hill; ***motion on amendment passed unanimously;*** Senator Thompson motioned for an amendment to add “trauma” instead of distress on line 27, Senator Fort seconded. Senator Hill proposed a friendly amendment to Senator Thompson’s amendment to read “distress or trauma”, and Crosby seconded; ***motion on amended amendment passed unanimously; motion of “do pass” by substitute passed unanimously.***

House Bill 837 (Rep. Hamilton of the 24th) Probation services; provide for legislative findings and intent; provisions

Synopsis: Relates to agreements for probation services. The bill amends the code section relating to probation services to apply to any court, rather than specifying applicability to county and municipal courts. The bill also provides that the termination of a contract for probation services should be initiated by the chief judge of the court which entered into the contract, subject to approval by the governing authority of the municipality or consolidated government which entered into the contract and in accordance with the agreed upon, written provisions of the contract. The bill adds a new code section providing that a court utilizing probation services is to determine the terms and conditions of probation as the court deems appropriate, including, but not limited to, the terms and conditions of probation enumerated in the code. The bill also requires a probationer to keep his or her probation officer informed of his or her current residence as a condition of probation and whereabouts as may be required by the court. Finally, the bill authorizes probation officers to participate in and conduct pretrial diversion programs as directed by the prosecuting agency.

Presented by: Rep. Hamilton of the 24th

Discussion: A ***motion of “do pass” by substitute*** was made by Senator John Crosby, seconded by Senator Joshua McKoon; Senator Hunter Hill proposed an amendment, seconded by Senator Joshua McKoon; ***motion on amendment passed 7-2***. Yea votes were Bethel, Jeffares, McKoon, Crosby, Harper, Hill, Ramsey. Nay votes were Fort and Thompson. ***Motion of “do pass” by substitute passed 7-2***. Yea votes were Bethel, Jeffares, McKoon, Crosby, Harper, Hill, Ramsey. Nay votes were Fort and Thompson.

Note: Senator Jesse Stone arrived at 5:10 pm and resumed Chairmanship for the remainder of the meeting.

House Bill 870 (Rep. Tanner of the 9th) Brain and Spinal Injury Trust Fund; imposition of additional fine for reckless driving; provide

Synopsis: This bill provides that in all cases involving a conviction for reckless driving, the court is to assess an additional penalty equal to 10 percent of the fine imposed by the court under the reckless driving statute. Such funds will be paid over by the court clerk to the Brain and Spinal Injury Trust Fund Commission. The effective date of the bill is January 1, 2015. However, the bill will not go into effect unless: (a) the General Assembly approves a resolution amending the Georgia Constitution to add reckless driving to the list of offenses for which additional fees and penalties can be assessed; and (b) voters approve such constitutional amendment in the 2014 general election.

Presented by: Rep. Tanner of the 9th

Discussion: A ***motion of “do pass”*** was made by Senator Curt Thompson, seconded by Senator Charlie Bethel; ***motion passed unanimously.***

House Resolution 1183 (Rep. Tanner of the 9th) General Assembly; additional penalties or fees for reckless driving and provide allocation of fees to the Brain and Spinal Injury Trust Fund; impose

Synopsis: This resolution proposes a Constitutional amendment to provide that the General Assembly may impose additional penalties or fees for the offense of reckless driving and may provide for the allocation of such additional penalties or fees to the Brain and Spinal Injury Trust Fund.

Presented by: Rep. Tanner of the 9th

Discussion: A ***motion of “do pass” by substitute*** was made by Senator Curt Thompson, seconded by Senator Charlie Bethel; ***motion passed unanimously.***

House Bill 1078 (Rep. Kelley of the 16th) Courts; juries and grand juries; provisions

Synopsis: This bill clarifies provisions relating to juries, as well as revises definitions and changes provisions relating to choosing grand jurors. The bill also provides for concurrent grand juries, a preliminary oath to be administered to grand juries, and changes provisions relating to when there are insufficient persons to complete a panel of grand jurors.

Presented by: Rep. Kelley of the 16th

Discussion: A ***motion of “do pass” by substitute*** was made by Senator Charlie Bethel, seconded by Senator Joshua McKoon; ***motion passed unanimously.***

Senator William Ligon, Jr. will carry the bill in the Senate.

House Resolution 1161 (Rep. Caldwell of the 131st) District attorney; active-status member of State Bar of Georgia from three to seven years; increase

Synopsis: This resolution calls for a referendum to amend the provisions of the Georgia Constitution relating to the qualifications of district attorneys. The current text of Article VI of the Georgia Constitution provides that DAs cannot hold office unless they have been members of the State Bar for three years immediately prior to their election. This resolution would change the membership requirement to seven years. The resolution also contains a grandfather provision which exempts any district attorney holding office on January 1, 2015 from this requirement.

Presented by: Rep. Caldwell of the 131st

Discussion: A ***motion of “do pass” by substitute*** was made by Senator Hunter Hill, seconded by Senator John Crosby; ***motion failed 3-5***. Yay votes were Crosby, Hill, and Fort. Nay votes were Ramsey, Bethel, Harper, Thompson, and McKoon.

House Bill 845 (Rep. Strickland of the 111th) Public disclosure; disclosure of arrest booking photographs except under certain circumstances; prohibit

Synopsis: The bill prohibits law enforcement agencies from posting booking photographs to a website except under certain circumstances. The bill also prohibits law enforcement agencies from providing booking photographs in any format to any person if the photograph may be placed in a publication or posted to a website and removal or deletion of such photograph from the publication or website requires payment of a fee or other consideration. This bill also requires anyone requesting a booking photograph to submit an affidavit attesting to his or her intended lawful use of booking photographs received. The bill provides that any person knowingly making a false statement in such affidavit is guilty of the crime of making a false statement. Such crime carries a penalty of a fine of up to \$1,000.00 and one to five years in prison. The bill also clarifies the exemption provisions in the Georgia Open Records Act by providing that release of booking photographs is only permissible under the Open Records Act if carried out in accordance with the provisions of the bill.

Presented by: Rep. Strickland of the 111th

Discussion: A ***motion of “do pass” by substitute*** was made by Senator Charlie Bethel, seconded by Senator Joshua McKoon; ***motion passed unanimously***.

Note: Senator Charlie Bethel left the meeting following the vote on HB 845 at 6:09 p.m.

House Bill 875 (Rep. Jasperse of the 11th) Safe Carry Protection Act; enact

Synopsis: This bill, called the Safe Carry Protection Act, relates to unlawful practices in selling or renting dwellings and exceptions, justification and excuse, dangerous instrumentalities and practices, transportation passenger safety, and disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, respectively, so as to change provisions relating to carrying weapons and the issuance of weapons carry licenses. The bill also provides that persons who use threats, force, or deadly force in accordance with Code Section 16-3-21, 16-3-23, 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution under certain circumstances. The bill also changes provisions relating to carrying weapons in unauthorized locations such as churches, bars, and school safety zones. The bill

removes fingerprinting requirements for renewal licenses, allows persons who have had their weapons carry licenses revoked to be eligible to be license holders under certain circumstances, and prohibits the creation or maintenance of data bases regarding persons issued weapons carry licenses. The bill provides that local boards of education may authorize personnel to carry weapons within school safety zones under certain circumstances, and provides for the offense of unlawfully carrying a weapon into a secure airport area. The bill further provides that defense of self or others is an absolute defense to any violation under Part 3 of Article 4 of Chapter 11 and Part 2 of Article 4 of Chapter 12 of Title 16.

Presented by: Rep. Powell of the 32nd

Discussion: A ***motion of “do pass” by substitute*** was made by Senator Hunter Hill, seconded by Senator John Crosby; ***Motion to amend*** was made by Senator Hunter Hill, seconded by Senator Curt Thompson; ***motion to amend passed 4-1***. Yea votes were Hill, Crosby, Thompson, and Ramsey; Nay vote was McKoon; ***Motion of “do pass” by substitute passed 4-3***. Yea votes were Hill, Crosby, Thompson, and Stone; Nay votes were Fort, Ramsey, and McKoon.

Note: Senator Vincent Fort left the meeting at 6:23 p.m. Senator Joshua McKoon left the meeting at 6:30 p.m.

House Bill 1052 (Rep. Coomer of the 14th) Crimes and offenses; create offense of murder in the second degree; change provisions relating to murder

Synopsis: This bill creates the offense of murder in the second degree, which occurs when a person causes the death of another human being (irrespective of malice) while committing the offense of cruelty to children in the second degree. The bill provides that murder in the second degree is punishable by ten to thirty years in prison. It also relates to courts, crimes and offenses, health, the state-wide alert system for un-apprehended murder or rape suspects determined to be serious public threats, penal institutions, and records check requirements for the Department of Human Services, respectively, so as to correct cross-references.

Presented by: Rep. Coomer of the 14th

Discussion: A ***motion of “do pass”*** was made by Senator Hunter Hill, seconded by Senator John Crosby; ***motion passed unanimously***.

Senator Charlie Bethel will carry this bill in the Senate.

House Bill 271 (Rep. Neal of the 2nd) Individual’s criminal history record information; revise definitions

Synopsis: This bill establishes that with respect to cash escrow and/or other collateral requirements for professional bonding companies, companies that have operated in a county for less than 18 months must meet collateral requirements established by the sheriff. Also, once a company has operated in the county for at least 18 months, the sheriff may require the company to keep a cash escrow or other collateral of up to 10% of the company's current outstanding bail bond liability. The bill also prohibits professional bonding companies from purchasing insurance policies in lieu of meeting the above collateral requirements unless the company was using such an insurance policy as of December 31, 2012. This bill also provides that sureties on criminal bonds may not charge or receive more than 15% of the face amount of the bond (including principal and surcharges). As an exception, the bill permits a surety to collect a minimum fee of \$50.00 per bonded charge or offense, regardless of whether that amount exceeds 15% of the face value of the bond. Under current law, for bonds of \$10,000 or less, the maximum fee is 12%, and for bonds of \$10,000 or more, the maximum fee is 15%.

Presented by: Rep. Neal of the 2nd

Discussion: A ***motion of "do pass" by substitute*** was made by Senator Hunter Hill, seconded by Senator Curt Thompson; ***motion passed unanimously.***

There being no further business, Chairman Stone adjourned the meeting at 6:35 p.m.

Respectfully submitted,

/s/Senator Curt Thompson, 5th, Secretary

/s/Phyllis Walker, Recording Secretary

April 9, 2014

Office of the Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Greetings:

On behalf of the Judiciary Non Civil Committee Chairman, Senator Jesse Stone, and as recording secretary for the committee, the following committee bills and resolutions are respectfully returned to you.

SB33	SB88	SB147	SB197	SB219	SB280
SB34	SB133	SB161	SB198	SB232	SB355
SB53	SB146	SB188	SB 200	SB233	SB362
SB411					
SR6	SR59	SR416			
HB 125	HB512				
HR1161					

No action was taken by the committee on the above legislation for the 2014 legislative session.

Respectfully Submitted,

Phyllis Walker
Recording Secretary
Judiciary Non Civil Committee